

House Bill 43

By: Representative Sims of the 169th

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 21-2-220 of the Official Code of Georgia Annotated, relating to application for voter registration, so as to require an applicant to provide proof of citizenship when registering to vote; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 21-2-220 of the Official Code of Georgia Annotated, relating to application for voter registration, is amended by revising the Code section as follows:

"21-2-220.

(a) Any person desiring to register as an elector shall apply to do so by making application to a registrar or deputy registrar of such person's county of residence in person, by submission of the federal post card application form as authorized under Code Section 21-2-219, by making application through the Department of Driver Services as provided in Code Section 21-2-221, by making application through the Department of Natural Resources as provided in Code Section 21-2-221.1, by making application through designated offices as provided in Code Section 21-2-222, or by making application by mail as provided in Code Section 21-2-223.

(b) Notwithstanding any other provision of this title, whenever a person makes application to register in person or through the means specified in this Code section, the person authorized to offer registration shall inquire as to whether the individual seeking registration is a citizen of the United States, and the person offering registration shall not be required to offer registration to an individual who answers such inquiry with a negative response. If the person is a citizen of the United States, the person shall provide proof of such citizenship to the person offering registration by exhibiting his or her birth certificate, passport, or proof of naturalization. If the person does not provide such proof of citizenship and is applying to register in person through a registrar or deputy registrar, the registrar or deputy registration

1 shall not accept such application until such proof is provided. If the person does not provide
2 such proof of citizenship and is applying to register in person by making application through
3 the Department of Driver Services as provided in Code Section 21-2-221, by making
4 application through the Department of Natural Resources as provided in Code Section
5 21-2-221.1, or by making application through designated offices as provided in Code Section
6 21-2-222, the person offering such registration shall note on the application that no proof
7 of citizenship was provided and, upon receipt of such application, the registrars shall notify
8 the person that the person's application will not be processed until and unless such proof is
9 provided to the registrars. If the person makes application for voter registration by
10 submission of the federal post card application form as authorized under Code Section
11 21-2-219 or by making application by mail as provided in Code Section 21-2-223, the
12 registrars shall notify the person that the person's application will not be processed until and
13 unless such proof is provided to the registrars.

14 (c) Except as otherwise provided in this subsection, electors who register to vote for the
15 first time in this state by mail must present current and valid identification either when
16 registering to vote by mail or when voting for the first time after registering to vote by mail.
17 The current and valid identification shall be one or more of those forms of identification
18 provided in subsection (c) of Code Section 21-2-417 or a legible copy thereof. The
19 registrars shall make copies of any original forms of identification submitted by applicants
20 and return the originals to the applicants. The requirement to submit identification shall not
21 apply to:

22 (1) Persons who submit identifying information with their applications that the registrars
23 are able to match to information contained on a state data base available to such registrars
24 containing the same number, name, and date of birth as contained in the application;

25 (2) Persons who are entitled to vote by absentee ballot under the federal Uniformed and
26 Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.; or

27 (3) Persons who are entitled to vote otherwise than in person under any other federal law.

28 (d) If an applicant fails to provide all of the required information on the application for voter
29 registration with the exception of current and valid identification, the board of registrars
30 shall notify the registrant in writing of the missing information. The board of registrars shall
31 not determine the eligibility of the applicant until and unless all required information is
32 supplied by the applicant. If the initial application is received prior to the close of voter
33 registration prior to an election, if the applicant supplies the necessary information on or
34 prior to the date of the election, and if the applicant is found eligible to vote, the applicant
35 shall be added to the list of electors and shall be permitted to vote in the election and any
36 run-off elections resulting therefrom and subsequent elections; provided, however, that
37 voters who registered to vote for the first time in this state by mail must supply current and

1 valid identification when voting for the first time as required in subsection (c) of this Code
2 section. In the event the elector does not respond to the request for the missing information
3 within 30 days, the application shall be rejected.

4 (e) If an applicant submits false information, the board of registrars shall reject the
5 application and shall refer the application to the district attorney of the county for criminal
6 prosecution. If the false information is not discovered until after the applicant's application
7 has been approved and the applicant's name added to the list of electors, the giving of such
8 false information shall be cause to challenge the applicant's right to remain on the list of
9 electors, which, if sustained, shall result in such applicant's name being removed from the
10 list and the application being submitted to the district attorney of the county for criminal
11 prosecution.

12 (f) A person registering to vote who is disabled or illiterate may request assistance from any
13 other person in completing the form for registration, but the person offering assistance shall
14 sign the voter registration form in the space provided to identify the person offering
15 assistance.

16 (g) The registrars shall note on their records and the electors list any elector who registers
17 by mail for the first time in this state and does not provide the identification required by
18 subsection (c) of this Code section."

19 SECTION 2.

20 All laws and parts of laws in conflict with this Act are repealed.